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**FROM:** Jeffrey G. Toler  
Reg. No.: 38,342

**RE U.S. App. No.:** 10/654,859, filed September 4, 2003

**Applicant(s):** Guy Bevente, et al.

**Atty Dkt No.:** 1033-IT1004

**Title:** SHARED USAGE TELECOMMUNICATIONS BILLING SYSTEM  
AND METHOD

**NO. OF PAGES (including Cover Sheet):** 10

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Attached please find:

- ☒ Transmittal Form (1 pg)
- ☒ Resubmission of Reply Brief (8 pgs)

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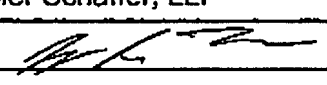
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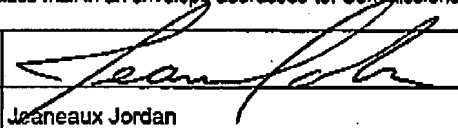
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	First Named Inventor	Guy Bevente, et al.	
	Art Unit	3714	
	Examiner Name	LANEAU, Ronald	
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Applicant(s): **Guy Bevente, et al.**Title: **SHARED USAGE TELECOMMUNICATIONS BILLING SYSTEM  
AND METHOD**App. No.: **10/654,859**Filed: **September 4, 2003**Examiner: **LANEAU, Ronald**Group Art Unit: **3714**Customer No.: **60533**Confirmation No.: **4643**Atty. Dkt. No.: **1033-IT1004**

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This Reply Brief is filed in reply to the Examiner's Answer dated March 21, 2007.

Appellant respectfully maintains that each of the claims 1-38 are allowable, as previously discussed in the Appeal Brief filed on November 27, 2006. In particular, the asserted combinations of Friedes and Plush or of Friedes, Plush, and Jagadish fail to disclose or suggest shared account information identifying shared telecommunication units used in connection with a first subscriber service and a second subscriber service, as recited by independent claim 1.

Further, the cited references, alone or in combination, including the asserted combination of Friedes and Plush, do not disclose or suggest a telecommunications subscriber service package that includes an allocation of shared account units, where at least a portion of the allocation of shared account units are available for use of a first subscriber service and are available for use of a second subscriber service where the first subscriber service is distinct from the second subscriber service, as recited by independent claim 17.

Additionally, the cited references, alone or in combination, including the asserted combination of Friedes and Plush, do not disclose or suggest a method of providing a bill to a telecommunications subscriber including receiving a first subscriber service invoice including shared account information, where the shared account information identifies shared telecommunication minutes used in connection with a first subscriber service and a second subscriber service, as recited by independent claim 33.

Further, the cited references, alone or in combination, including the asserted combination of Friedes and Plush, fail to disclose or suggest a telecommunications subscriber service package including an allocation of shared account units for use of a second subscriber service and available for use of the first subscriber service, as recited by claim 34. Accordingly, each of the asserted combinations fails to disclose or suggest at least one element of each of the independent claims 1, 17, 33 and 34. Therefore, claims 1-38 are allowable over the cited references, alone or in combination.

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**A. CLAIMS 1-16 ARE ALLOWABLE**

The Examiner's Answer asserts that claim 1 of Plush teaches a shared usage plan. *See the Examiner's Answer*, p. 4. However, this shared usage plan as disclosed and claimed in Plush is directed to a single subscription service (i.e., a group cellular plan) that is associated with a group of subscribers of a particular subscription type. *See Plush*, col. 8, lines 15-20 and col. 8, lines 51-63. Plush discloses that the group of subscribers includes any number of subscribers, "depending on the subscription type held by the group." *See Plush*, col. 8, lines 15-20 (emphasis added). In Plush, a group subscription has only one subscription type (i.e. only one subscriber service, such as a group cellular service). Accordingly, the allocation of minutes shared by the handsets of Plush represents an allocation for use by a single subscriber service. Accordingly, as previously discussed in the Appeal Brief filed on November 27, 2006, the asserted combination of Friedes and Plush fails to disclose or suggest shared account information identifying shared telecommunication units used in connection with a first subscriber service and a second subscriber service, the first subscriber service being distinct from the second subscriber service, as recited by independent claim 1.

Further, the asserted combination of Friedes and Plush fails to disclose or suggest at least one element of each of the dependent claims 2-16, at least by virtue of their dependency from independent claim 1.

Additionally, none of the cited references, including Friedes and Plush, alone or in combination, disclose or suggest shared telecommunication units used in connection with two subscriber services, or determining whether a sum of the first subscriber service usage and the second subscriber service usage exceeds the shared telecommunication units, as recited by dependent claim 7. The Examiner's Answer points to the wireline and wireless services of Figure 1 in Friedes and the discussion at col. 4, lines 49-57 to support the rejection. *See the Examiner's Answer*, p. 5. However, the cited paragraph at col. 4 relates to billing of a single subscription service (e.g., a group cellular plan) that includes multiple users/subscribers, and not two subscriber services, as recited in claim 7. Further, Figure 1 of Friedes and the associated discussion fail to disclose or suggest shared telecommunication units used in connection with both the wireline and the wireless subscriber services.

With regard to claim 11, none of the cited references, alone or in combination, disclose or suggest shared telecommunication units used in connection with two subscriber services, and a second set of telecommunication units applied to usage of the second subscriber service when the combined usage of the first subscriber service and the second subscriber service exceeds the shared telecommunication units, as recited by claim 11. The Examiner's Answer suggests that the features of claim 11 are inherently taught by Friedes. *See the Examiner's Answer*, p. 5. However, Friedes makes no mention of a second set of telecommunications units, as recited in claim 11.

To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'

*In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

Here, a second set of telecommunication units is not "necessarily present." An alternative is presented by claim 6, which recites "wherein the bill further comprises charges for usage in excess of available shared telecommunication units identified by the shared account information." Such charges may be monetary, as opposed to applying a second set of telecommunications units. Accordingly, Friedes does not inherently disclose or suggest "shared telecommunication units used in connection with two subscriber services, and a second set of telecommunication units that is applied to usage of the second subscriber service when the combined usage of the first subscriber service and the second subscriber service exceeds the shared telecommunication units," as recited by claim 11.

With regard to claim 16, the cited references, alone or in combination, do not disclose or suggest "shared telecommunication units used in connection with two subscriber services where the first subscriber service is associated with a first operating entity and the second subscriber service is associated with a second operating entity," as recited by claim 16. In the Examiner's Answer, the Examiner asserts that the Abstract of Friedes teaches the features of claim 16. *See the Examiner's Answer*, p. 6. However, the Abstract of Friedes discloses the use of a common

account number to aggregate billing records to yield an aggregate bill. *See Friedes*, Abstract. Friedes makes no mention of “shared telecommunication units used in connection with two subscriber services where the first subscriber service is associated with a first operating entity and the second subscriber service is associated with a second operating entity,” as recited in claim 16. Accordingly, claim 16 is allowable.

#### **B. CLAIMS 17-32 ARE ALLOWABLE**

As explained above, the Final Office Action acknowledges that Friedes does not disclose or suggest an allocation of shared account units. *See Final Office Action*, p. 3, paragraph 4. Plush discloses multiple service types, but each subscription service type has its own pre-paid allotment of minutes. *See Plush*, col. 4, lines 10-40. As discussed above in Plush, the pre-paid allotment of minutes may be used only within its associated subscription service type (i.e., within a single service plan, such as a group cellular plan). Thus, Plush fails to teach or suggest shared account units that are available for use of a first subscriber service and a second subscriber service. Therefore, the asserted combination of Friedes and Plush does not disclose or suggest a telecommunications subscriber service package that includes an allocation of shared account units, where at least a portion of the allocation of shared account units are available for use of a first subscriber service and are available for use of a second subscriber service where the first subscriber service is distinct from the second subscriber service, as recited by claim 17. Therefore, the asserted combination of Friedes and Plush fails to disclose or suggest at least one element of each of the dependent claims 18-32, at least by virtue of their dependency from claim 17.

Additionally, with respect to claim 19, none of the cited references, alone or in combination, disclose or suggest “an allocation of shared account units used in connection with two subscriber services, wherein the first subscriber service is a land-line service and the second subscriber service is a wireless communication service,” as recited by claim 19. While Figure 1 of Friedes illustrates wireline and wireless services that communicate via a network, neither Figure 1 nor the associated discussion in Friedes disclose or suggest “an allocation of shared account units used in connection with two subscriber services,” as recited by claim 19.

Further, none of the cited references, alone or in combination, disclose or suggest a first subscriber service rate associated with usage of the first subscriber service, as recited by claim 22. Moreover, none of the cited references, alone or in combination, disclose or suggest a second subscriber service rate associated with usage of the second subscriber service, as recited by claim 23.

Additionally, none of the cited references, alone or in combination, disclose or suggest a second allocation of subscriber account units available for use in connection with a first subscriber service and a second subscriber service when the combined usage of the first subscriber service and the second subscriber service exceeds the allocation of the shared account units, as recited by claim 25. As discussed above, a second allocation of subscriber account units is not inherently disclosed or suggested by the cited references, including Friedes and Plush, alone or in combination. Further, none of the cited references, alone or in combination, disclose or suggest a second allocation of subscriber account units available during specific time periods, as recited by claim 26.

### C. CLAIM 33 IS ALLOWABLE

As explained above, the Final Office Action acknowledges that Friedes does not disclose or suggest an allocation of shared account units. *See Final Office Action*, p. 3, paragraph 4. Plush discloses multiple service types, where each subscription service type has its own pre-paid allotment of minutes. *See Plush*, col. 4, lines 10-40. However, as discussed above, in Plush, the pre-paid allotment of minutes may be used only within a single subscription service type (i.e., within a single service plan, such as a group cellular plan). Therefore, the asserted combination of Friedes and Plush does not disclose or suggest a method of providing a bill to a telecommunications subscriber including receiving a first subscriber service invoice including shared account information, where the shared account information identifies the shared telecommunication minutes used in connection with a first subscriber service and a second subscriber service, as recited by independent claim 33.

Additionally, claim 33 recites that the first subscriber service is a wireless phone service and the second subscriber service is a landline long distance service. The asserted combination



of Friedes and Plush does not disclose or suggest shared telecommunication minutes used in connection with a wireless phone service and a landline long distance service, as recited by claim 33. While Figure 1 of Friedes illustrates wireline and wireless devices communicating via a network, neither Figure 1 nor the associated discussion indicate a shared allotment of telecommunications units for use by the two services (wireline and landline).

#### D. CLAIMS 34-38 ARE ALLOWABLE

As explained above, the Final Office Action acknowledged that Friedes does not disclose or suggest an allocation of shared account units. *See Final Office Action*, p. 3, paragraph 4. Plush discloses multiple service types, where each service type has its own pre-paid allotment of minutes. *See Plush*, col. 4, lines 10-40. In Plush, the pre-paid allotment of minutes may be used only within its associated subscription service type. Thus, the asserted combination of Friedes and Plush fails to disclose or suggest a telecommunications subscriber service package including an allocation of shared account units for use of a second subscriber service and available for use of the first subscriber service, as recited by claim 34.

With respect to claim 35, none of the cited references, alone or in combination, disclose or suggest an allocation of shared account units for use of two subscriber services, where the first subscriber service is a wireless communication service and the second subscriber service is a land-line service, as recited by claim 35. As discussed above with respect to claim 1, Plush discloses a single subscriber plan, such as a group cellular plan, that includes shared minutes, but fails to disclose or suggest shared account units for use of two subscriber services, as recited by claim 35.

Additionally, none of the cited references, alone or in combination, disclose or suggest an allocation of unshared account units utilized by the first subscriber service prior to utilization of the allocation of shared account units by the first subscriber service, as recited by claim 36. The Final Office Action and the Examiner's Answer fail to provide a specific basis for rejecting claim 36 over Friedes and Plush. Rather, the rejection relies on the same basis as provided for rejecting claim 1. *See the Examiner's Answer*, p. 6. However, as discussed above, the cited references fail to disclose or suggest "an allocation of shared account units for use of a second

subscriber service and available for use of the first subscriber service,” as recited by claim 34. Further, the cited references do not disclose or suggest an “allocation of unshared account units” that “is utilized by a first subscriber service prior to utilization of the allocation of shared account units,” as recited by claim 36.

Further, none of the cited references, alone or in combination, disclose or suggest an allocation of unshared account units that are utilized by a first subscriber service after exhaustion of the allocation of shared account units, as recited by claim 37. The Final Office Action and the Examiner’s Answer fail to provide a specific basis for rejecting claim 37 over Friedes and Plush. Rather, the rejection relies on the same basis as provided for rejecting claim 1. *See the Examiner’s Answer*, p. 6. However, as discussed above, the asserted combination of Friedes and Plush fails to disclose or suggest each and every element of claim 33, from which claim 37 depends. Further, none of the cited references, including Friedes and Plush, alone or in combination, disclose or suggest an “allocation of unshared account units is utilized by the first subscriber service after exhaustion of the allocation of shared account units,” as recited by claim 37. Accordingly, Appellant respectfully traverses the rejection of claim 37 over the asserted combination of Friedes and Plush.

Moreover, none of the cited references, alone or in combination, disclose or suggest a telecommunication subscriber service package where a relative usage of an allocation of shared account units by one of the first subscriber service and the second subscriber service is limited according to a predefined usage ratio relative to usage by the other, as recited by claim 38. The Final Office Action and the Examiner’s Answer fail to provide a specific basis for rejecting claim 38 over Friedes and Plush. Rather, the rejection relies on the same basis as provided for rejecting claim 1. *See the Examiner’s Answer*, p. 6. Such a usage ratio is not taught or disclosed by the cited references, alone or in combination. Accordingly, Appellant respectfully traverses the rejection of claim 38 over the asserted combination of Friedes and Plush.

#### **E. CLAIMS 8 AND 9 ARE ALLOWABLE**

None of the cited references, alone or in combination, including Friedes, Plush and Jagadish, disclose or suggest each and every element of claim 1, from which claims 8 and 9

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depend. Hence, the asserted combination of Friedes, Plush, and Jagadish fails to disclose or suggest each and every element of claims 8 and 9, at least by virtue of their dependency from claim 1. In particular, none of the cited references disclose or suggest "shared account information identifying shared telecommunication units used in connection with a first subscriber service and a second subscriber service," as recited by independent claim 1.


Jagadish fails to overcome the deficiencies of the combination of Friedes and Plush. Jagadish does not disclose or suggest a "shared account information identifying shared telecommunication units used in connection with a first subscriber service and a second subscriber service," as recited by independent claim 1. Instead, Jagadish discloses that calls made by a customer, using a calling card or prepaid card, are billed according to the customer's calling plan. *See Jagadish*, col. 1, lines 21-36. Accordingly, the asserted combination of Friedes, Plush and Jagadish fail to disclose or suggest each and every element of claim 1, and of claims 8 and 9, at least by virtue of their dependency from claim 1.

#### F. CONCLUSION

For at least the above reasons, all pending claims are allowable and a notice of allowance is courteously solicited. Please direct any questions or comments to the undersigned attorney at the address indicated. Appellant respectfully requests reconsideration and allowance of all claims and that this patent application be passed to issue.

Respectfully submitted,

6-27-2007  
Date

  
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